




TO: Administrative Entities
All DWD and ICCSV Grant Recipients and Contractors
DWD Managers and Supervisors
Vocational Directors
Postsecondary Vocational Administrators
All Funding Sources Administered by DWD

FROM: Teresa L. Melton,
General Counsel 

DATE: December 9, 2005

SUBJECT: DWD Policy 2005-08
Restrictions on Lobbying

PURPOSE: To reissue the instructions governing restrictions on lobbying.

RECISSION: DWD Policy 2002-47
Issued April 30, 2003

CONTENT:

Federal regulations at 29 C.F.R. § 93.100 et seq. (and identical regulations for education programs at 34 C.F.R. § 82.100 et seq.) prohibit the use of appropriated funds for lobbying activities. Specifically, the regulations state as follows:

§ 93.100 Conditions on use of funds.

(a) No appropriated funds may be expended by the recipient of a Federal contract, grant, loan, or cooperative agreement to pay any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, or an employee of a Member of Congress in connection with any of the following covered Federal actions: the making of any Federal grant, the making of any Federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal contract, grant, loan, or cooperative agreement.

Under § 93.105(o), “‘recipient’ includes all contractors, subcontractors at any tier, and subgrantees at any tier of the recipient of funds received in connection with a Federal contract, grant, loan, or cooperative agreement.”

Therefore, any contractors, grantees and partners to cooperative agreements receiving

federal funding through DWD are covered under these requirements when the amount of the award under a federal contract, grant or cooperative agreement exceeds \$100,000 (29 C.F.R. § 93.110). Recipients are required to file a certification and a disclosure form with each contract or grant. Whenever non-federal funds are used in lobbying efforts, the Disclosure of Lobbying Activities form (SFLLL) must be completed. A person who makes a prohibited expenditure or fails to file or amend disclosure forms faces civil penalties of not less than \$10,000 and not more than \$100,000 for each such action or omission.

Grant Recipients and Contractors must also obtain certification and disclosure information from subgrantees and subcontractors when making awards of \$100,000 or more. Copies of these completed forms must be retained in Grant Recipient/Contractor files for audit purposes and copies of the disclosure forms should be forwarded to DWD Oversight Division.

Complete copies of the applicable federal regulations, as well as copies of the *Disclosure of Lobbying Activities* form (SF LLL) and instructions for its completion can be downloaded from the Code of Federal Regulations website. The specific URL for 29 C.F.R. § 93.100 is:

http://www.access.gpo.gov/nara/cfr/waisidx_01/29cfr93_01.html

The form and instructions are found in §93.605.

Questions regarding this policy and its procedures should be addressed to Teresa L. Melton, General Counsel, via e-mail (tmelton@dwd.in.gov) or by phone at (317) 232-0197.

EFFECTIVE DATE:
Immediately

REVIEW DATE:
April 30, 2007

OWNERSHIP:
Legal Support

ACTION:
All entities described above should be made aware of this policy and procedures. The above recitation of lobbying restrictions is an update of previously existing regulations.